

Exhibit H

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3
4 IN RE: PHARMACEUTICAL)
5 INDUSTRY AVERAGE) MDL No. 1456
6 WHOLESALE PRICE)
7 LITIGATION) No.
8) 01-CV-12257-PBS
9 This Document Relates to)
10 All Actions)
11)
12
13 HIGHLY CONFIDENTIAL -
14 ATTORNEYS' EYES ONLY
15 August 19, 2004
16 9:00 a.m.
17 Deposition of PAM MARRS, held at Hilton
18 Garden Inn, 3585 Solano Avenue, Napa, California,
19 pursuant to 30(b)(6) notices, before Wendy E. Arlen, a
20 Certified Shorthand Reporter of the State of
21 California.
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1 APPEARANCES:
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4 Q. What is average sales price?

5 A. Well, it has a variety of meanings to a
6 variety of people.

7 Q. As used by Dey?

8 A. We used average selling price in some of our
9 internal documents, and it's merely -- you know, at a
10 big picture level it's sales dollars divided by units.
11 There are some complexities within that calculation ,
12 but generally speaking, that's what it is.

13 Q. And what are you referring to when you say
14 sales dollars?

15 A. Pardon me?

16 Q. What are you referring to when you say sales
17 dollars?

18 A. You would look at our sales reports, and it
19 would be sales for that product minus returns,
20 chargebacks, rebates and the various other allowances
21 on an accrual basis divided by units. It does not
22 include deductions for cash discounts, admin fees or

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1 Medicaid rebates.